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**HAMRE, SCHUMANN,  
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AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

FAX TRANSMISSION July 25, 2007

TO: Mail Stop: AMENDMENT  
Examiner: SWOPE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

FROM: Curtis B. Hamre  
OUR REF: 10873.1857USWO  
TELEPHONE: (612) 455.3800

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Title of Document: **RESPONSE TO RESTRICTION REQUIREMENT**

Applicant: OTSU ET AL.  
Serial No.: 10/565974  
App. Filed: January 26, 2006  
Group Art No.: 1652  
Conf. No.: 9468

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By: Curtis B. Hamre  
Name: Curtis B. Hamre  
Reg. No.: 29,165

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Gina M. Dahl  
A handwritten signature in black ink, appearing to read "Gina M. Dahl".  
Signature

July 25, 2007  
Date

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S/N 10/565,974

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	OTSU ET AL.	Examiner:	SWOPE
Serial No.:	10/565,974	Group Art Unit:	1652
Filed:	JANUARY 26, 2006	Docket No.:	10873.1857USWO
Title:	REMEDY FOR CARDIAC FAILURE CONTAINING ASK1 INHIBITOR AS ACTIVE INGREDIENT AND METHOD FOR SCREENING THE SAME		

CERTIFICATE UNDER 37 CFR 1.6(d): I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on July 25, 2007.

  
By: \_\_\_\_\_  
Name: Gina M. Dahl

RESPONSE TO RESTRICTION REQUIREMENT

Mailstop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement of June 25, 2007, Applicants provisionally elect Group I (claims 7, 13, and 15) and provisionally elect A (which claim 1 reads on) from the group (A)-(E) characterized by the Examiner.

Applicants traverse the requirement to the extent of requesting that claims in Groups II and III that correspond to allowable Group I claims be reinstated for allowance. An early and favorable action on the merits is requested.

Applicants further traverse the finding that there is no common special technical feature for the various groups of claims. All of the claims require inhibiting the function of ASK1, and Applicants respectfully contend that this feature is neither disclosed nor suggested by the prior art. For example, Group I is directed to a drug for cardiac failure that is screened by using functional inhibition of ASK1 as an indication. Further, Groups II and III are directed to

S/N 10/565,974

PATENT

preventing or treating cardiac failure by inhibiting the function of ASK1. Thus, it should be noted that there is a technical relationship among the Groups I-III involving a corresponding special technical feature, namely inhibiting the function of ASK1. Accordingly, Applicants respectfully submit that Groups I-III are related to form a single general inventive concept. Applicants do not concede the correctness of the application of Gilot et al. in the restriction, and reserve the right to present additional comment during prosecution.

Applicants further contend that the requirement of restriction within a single claim is improper. See In re Haas, 198 USPQ 328 (CCPA 1978), which confirmed that requiring restriction within a single claim improperly denies an applicant's right to have an examination of the invention in the manner he sees fit. To the extent the issue were to be recharacterized as an election of species between (A)-(E), Applicants would elect species A would be with traverse. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-3478.

Respectfully submitted,

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By Curtis B. Hamre  
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Date: July 25, 2007